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STAAS & HALSEY LLP			ATALA, JAMIE JO	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed November 5, 2008 have been fully considered but they are not persuasive. On pages 10-11 applicant argues that examiner did not address the amendment entered April 24, 2008; however, the final office action addresses the "video streams blocks are arranged discontinuously based on control information stored in the control information area" as shown on page 4 of final office action dated August 5, 2008. On pages 12-13 applicant argues that McIlvain et al (US 5,765,200) in view of O'Connor et al (US 2005/0244138) fails to disclose, suggest, or teach the following limitation, "sequentially assigning free blocks as a discontinuous circular buffer blocks in a disk recording area, based on the control information when a time-delayed viewing mode is selected" as recited in Claim 1. It is noted that McIlvain et al discloses sequentially assigning free blocks in a circular buffer as seen in Figure 2 and described in Column 5 Lines 20-52. Furthermore, in Column 1 Lines 16-67 McIlvain discloses the processing of obtaining information for retrieval at later time and furthermore it is well known that computer systems has the ability to record or playback video data. Additionally, it is noted that O'Conner further teaches the placing of information in discontinuous circular buffer as seen in Figure 4 and described in paragraphs 0036-0037. The recorded information as seen in Figure 4 show stored information in sectors that are not adjacent to each other and therefore considered discontinuous. Furthermore, time shifting of the data being stored in the circular buffer

is additional taught in paragraphs 0062-0067 and thereby meets the limitation as recited in Claim 1.

2. Additionally, applicant argues on pages 13-17 the sequentially assigning free block as discontinuous circular buffer. It is noted that as described above that O'Conner meets the limitation and thereby has been previously addressed. Furthermore, it is noted that the applicant argues that the previous art of record fails to disclose, suggest, or teach the following limitation of "control information in response to a time-delayed viewing mode selected" as recited in Claim 21. It is taught by O'Conner in paragraphs 0062-0067 the control information being used to control the video viewing modes as selected by the user. This allows for manipulation of the video and further provides the storage of the data onto unassigned blocks. Although, all of applicants points are understood the examiner can not agree and therefore the rejection is maintained.

3. In response to applicant's argument (page 14) that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, O'Connor et al teaches the placing of information in discontinuous circular buffer based on control information in order to provide a system for storing information

discontinuously and allow for proper locating of the information through the control information.

4. In response to applicant arguments on pages 16-17 regarding claim 18 the above arguments responding to Claim 1 pertains to the control information being used for storing the data. Furthermore, on pages 17-20 applicants argues that the references fail to disclose assigning free blocks to nearest reproduced free blocks. Aoki discloses a system wherein reproduction of information is done through the use of a ring buffer. As further shown in Figure 1 various streams are broadcasted and entered into the system as further described in Column 1 Lines 12-41. The reproduction of free blocks are provided to the nearest recorded and reproduced blocks.

5. On page 18 applicant further argues that the prior art of record fails to disclose "a reproduction mode is selected together" as recited in Claim 12. It is noted Aoki teaches reproduction modes being selected based on the data being processed in Column 4 Lines 25-67. Although, all of applicants points are understood the examiner can not agree as the prior art of record recites the limitations as described in the arguments on pages 10-19.

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621